

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
LUIGI GIROTTA

Plaintiff, : ORDER
: 18 Civ. 8140 (ALC) (GWG)

-v.- :
:

MIN NEW YORK, INC., et al. :
:
Defendants. :
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

On August 20, 2019, the plaintiff filed an amended complaint that named Salonclick, LLC as a defendant. (Docket # 41). On November 8, 2019, plaintiff filed an affidavit asserting that he had made service on Salonclick on October 8, 2019. (Docket # 54). Salonclick has not responded to the complaint.

In an order dated February 20, 2020, the Court warned plaintiff that if no further action was taken to prosecute this case, the case may be dismissed without further notice for failure to prosecute under Fed. R. Civ. P. 41. (Docket # 60). While plaintiff took action after that date with respect to three other defendants, who are now dismissed, he took no action reflected on the docket sheet with respect to Salonclick — other than to inform the court that Salonclick was mistakenly dismissed as a party. (Docket ## 72, 73, 74). In other words, other than seeking correction of the dismissal, nearly nine months have elapsed without plaintiff having taken any action as to Salonclick.

Accordingly, it is hereby ORDERED that, on or before July 21, 2020, plaintiff shall either file a notice of dismissal as to Salonclick or file a motion for default judgment against Salonclick. If plaintiff files the motion, it shall be returnable before Judge Carter and shall comply with "Attachment A" to Judge Carter's Individual Practices. If plaintiff fails to comply with this Order, this case will likely be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41.

SO ORDERED.

Dated: July 7, 2020
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge